

SENATE BILL 1038
By Ketron

AN ACT to provide for the sale and promotion of
agricultural products and their derivatives and the
allocation of taxes, assessments and other funds
for such purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. It is declared by the general assembly to be in the interest of the public welfare that Tennessee farmers who are producers of organic products shall be permitted and encouraged to act jointly and in cooperation with all purchasers, handlers, dealers, and processors of such organic products in promoting, by advertising, research and other methods, the increased production, use and sale, both domestic and foreign, of any and all such organic products. To further this purpose, there is hereby created the Tennessee organic products promotion board.

SECTION 2.

(a)

(1) The Tennessee organic products promotion board shall be composed of five (5) members, to be appointed by the commissioner of agriculture to serve terms of three (3) years, as hereinafter provided. All five (5) members of the board shall be producers of organic products.

(2) Within ten (10) days after the effective date of an assessment levied pursuant to Tennessee Code Annotated, title 43, chapter 29, the Tennessee Farm Bureau Federation, any organic products producer, and any agricultural organization with an interest in organic products may submit the names of organic products producers to the commissioner of agriculture, who shall appoint one (1) member from the nominations submitted by the Tennessee Farm Bureau Federation and four (4) members from the

nominations submitted by organic products producers and agricultural organizations with an interest in organic products.

(3) The original board shall be appointed with members appointed in the discretion of the commissioner of agriculture, one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Each year thereafter, not less than thirty (30) days before the expiration of board members' terms, any individual organization as stated above may submit names of nominees to the commissioner of agriculture, and succeeding board members shall be appointed by the commissioner.

(4) Vacancies shall be filled in the same manner as the original appointments were made.

(5) The commissioner of agriculture shall be an ex officio non-voting member of the board.

(b) At the time of the first sale, the producer shall provide evidence that all assessments provided for under Tennessee Code Annotated, title 43, chapter 29, have been paid. If the first sale is made to an organic products handler or organic products dealer, the organic products handler or organic products dealer shall deduct the assessment owed from the amount paid to the producer.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.